

UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

ROBERT JOHNSON,

Case No. 3:20-cv-00591-MMD-CLB

V

Petitioner,

## ORDER

WILLIAM GITTERE, et al.

## Respondents.

Petitioner Robert Johnson, a Nevada state prisoner, has submitted a *pro se* Petition for Writ of Habeas Corpus (ECF No. 1-1) pursuant to 28 U.S.C. § 2254. This habeas matter is before the Court for consideration of Johnson's Application to Proceed *In Forma Pauperis* (ECF No. 1).

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. A federal district court may authorize a person to begin an action without prepaying fees and costs if the person submits an IFP application on the approved form along with the appropriate supporting documentation. See 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

Although Johnson submitted the required form, the supporting documents show he is able to pay the \$5.00 filing fee. Thus, he does not qualify for a fee waiver. The Court therefore denies Johnson's IFP application and gives him 45 days to pay the filing fee.

It is therefore ordered that Petitioner Robert Johnson's Application to Proceed *In Forma Pauperis* (ECF No. 1) is denied.

It is further ordered that Johnson must pay the \$5 filing fee by December 7, 2020.

The Clerk of Court is instructed to send Johnson *two* copies of this order. Johnson must arrange to have a copy of this order attached to the check for the filing fee.

The initial screening of the Petition for Writ of Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases and consideration of the Motion for Appointment

1 of Counsel (ECF No. 1-2) are deferred to until such time as Johnson has fully complied  
2 with this order.

3 Failure to timely comply with this order will result in the dismissal of this action  
4 without further advance notice.

5 DATED THIS 22<sup>nd</sup> Day of October 2020.

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8 MIRANDA M. DU  
9 CHIEF UNITED STATES DISTRICT JUDGE  
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